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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Vladik Uchikura, et al.,

10 Plaintiffs,

11 v.

12 Clark County Properties LP, et al.,

13 Defendants.
14

No. CV-23-01399-PHX-DJH

ORDER

15 In its October 23, 2023, Order (Doc. 12), the Court granted *pro se* Plaintiffs Vladik
16 Uchikura and Cindy Mateer’s (“Plaintiffs”) requests to proceed *in forma pauperis* and
17 screened their original Complaint (Doc. 1) under 28 U.S.C. § 1915. The Court allowed the
18 following claims to proceed: (1) discrimination under the Americans with Disabilities Act,
19 (2) interference, coercion, or intimidation under the Fair Housing Act; and (3) negligence.
20 (Doc. 12 at 5, 8 and 11). The Court dismissed Plaintiffs’ other claims. However, the Court
21 permitted Plaintiffs leave to amend their dismissed claims. (*Id.* at 14). The Court also
22 allowed Plaintiff Mateer to bring her own ADA claim under 42 U.S.C. § 12182 (b)(E)
23 through associational standing. (*Id.* at 5).

24 Plaintiffs have since filed identical Motions for Leave to File a First Amended
25 Complaint (Docs. 16; 17) with identical proposed First Amended Complaints attached
26 (Docs. 16-1–16-4; 17-1–17-4).¹ Because Plaintiffs’ amended pleadings are the same, the
27 Court will treat the most recently filed First Amended Complaint (Doc. 17) as the operative

28 ¹ Plaintiffs are notified that they do not each need to file their own motions. If they seek to assert the same position, they can jointly file one motion.


1 Complaint. (*Compare* Docs. 16; 17). Upon the Courts' review, Plaintiffs' First Amended
 2 Complaint contains the same allegations as set forth in the original Complaint, except that
 3 Plaintiffs have crossed out the claims that the Court dismissed in its October 23, 2023,
 4 Order. (Doc. 17-1 at 3, 5). Aside from this and changing the date, Plaintiffs did not amend
 5 their original Complaint. (*Compare* Doc. 12 with Doc. 17). So, it appears that Plaintiffs
 6 do not seek to amend the claims the Court dismissed in its prior order. (Doc. 16-1 at 3).

7 Thus, the Court will allow Plaintiffs' claims for (1) Discrimination under the ADA,
 8 (2) Interference, Coercion, or Intimidation under the FHA; and (3) Negligence to proceed
 9 as alleged in the First Amended Complaint. (Doc. 17-4 at 4, 10–12, 21–24; *see also* Doc.
 10 12 at 5–10). Because the factual allegations supporting these claims are identical to the
 11 allegations in the original Complaint, the Court need not re-screen these claims under
 12 28 U.S.C. § 1915 and will allow them to proceed for the same reasons set forth in the
 13 October 23, 2023, Order. Plaintiffs shall be responsible for service of the Summons, this
 14 Order, the Court's October 23, 2023, Order, and their First Amended Complaint (Doc. 17)
 15 upon all named Defendants.

16 Accordingly,

17 **IT IS ORDERED** that Plaintiffs' Motions (Docs. 16; 17) are **GRANTED**.
 18 Plaintiffs must file proof of service with the Clerk of Court of: (1) the Summons and the
 19 First Amended Complaint (Doc. 17) or of waiver of service; (2) the Court's October 23,
 20 2023, Order (Doc. 12); and (3) this Order no later than **September 7, 2024**. Unless the
 21 Court orders otherwise, on **September 8, 2024**, the Clerk of Court, without further notice,
 22 shall **terminate** any Defendant in this action that has not been served pursuant to Rule 4(m)
 23 of the Federal Rules of Civil Procedure.

24 Dated this 10th day of June, 2024.

25 
 26 Honorable Diane J. Humetewa
 27 United States District Judge
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